

Flemming Zulack Williamson Zauderer LLP
 One Liberty Plaza
 New York, New York 10006
 (212) 412-9500
 Dean R. Nicyper, Esq. (DRN-7757)

Attorneys for Plaintiff Earl Davis

UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK

----- X
 EARL DAVIS,

Plaintiff,

-against-

SALANDER O'REILLY GALLERIES LLC
 f/k/a SALANDER O'REILLY GALLERIES INC.,
 and LAWRENCE B. SALANDER

Defendants.
 ----- X

: Case No. 07-CV-4165 (SHS) (DF)

: **NOTICE OF MOTION FOR**
 : **CONTEMPT AND FOR A**
 : **PRELIMINARY INJUNCTION**

: **ORAL ARGUMENT**
 : **REQUESTED**

PLEASE TAKE NOTICE that, upon the accompanying Declaration of Dean R. Nicyper, executed on August 20, 2007, the exhibits annexed thereto, the Declaration of Earl Davis, executed on August 20, 2007, the exhibits annexed thereto, the Memorandum of Law in Support of Plaintiff's Motion for Contempt and for a Preliminary Injunction, and upon all prior pleadings and proceedings in this action, the undersigned will move this Court, pursuant to Local Civil Rule 83.9 and Rule 65 of the Federal Rules of Civil Procedure, before the Honorable Sidney H. Stein, United States District Judge, at Courtroom 14D of the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York 10007, at such time as the Court may determine, for an Order: (1) requesting that this Court hold defendants Salander O'Reilly Galleries, LLC (f/k/a Salander O'Reilly Galleries, Inc.) ("SOR" or the "Gallery") and Lawrence B. Salander ("Salander") (SOR and Salander are referred to herein collectively as "Defendants") in civil contempt for their failure to comply with the injunction agreed to by defendants in a

Stipulation and Order executed by the parties on July 6, 2007, and "so ordered" by this Court on July 9, 2007 (the "July 2007 Order"); (2) ordering that Defendants fully comply with the July 2007 Order within seven days; (3) directing that Defendant Salander submit an affidavit explaining his efforts, if any, to comply with the July 2007 Order; (4) requiring defendant Lawrence Salander and two SOR senior executives, Leigh Morse and Andrew Kelly, to appear for depositions to take place at Plaintiff's counsel's offices on September 25, 26, and 27, 2007, respectively; (5) imposing sanctions upon the defendants in the event that they do comply with the July 2007 Order within seven days; (6) for a preliminary injunction directing Defendants to pay to Plaintiff all trust funds that Defendants statutorily are deemed to hold solely for the benefit of Plaintiff; and (7) for such other and further relief as the Court deems appropriate.

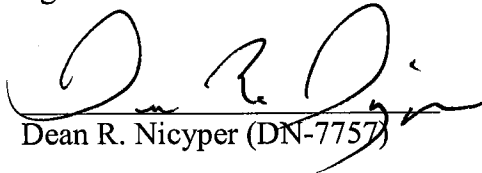
PLEASE TAKE FURTHER NOTICE that pursuant to the Individual Practices of United State District Judge Sidney H. Stein, Plaintiff has requested oral argument on this motion, and pursuant to the Individual Practices of United State District Judge Sidney H. Stein, the Court shall advise the parties of as to whether argument will be heard, and, if so, of the argument date.

PLEASE TAKE FURTHER NOTICE that pursuant to Local Rule 6.1(b), opposition papers, if any, shall be served ten (10) business days from the date hereof.

Dated: New York, New York
August 20, 2007

Flemming Zulack Williamson Zauderer LLP

By:



Dean R. Nicyper (DN-7757)

One Liberty Plaza
New York, New York 10006
(212) 412-9500
Attorneys for Plaintiff Earl Davis